

REMARKS

This Response is submitted in reply to the Office Action mailed on June 16, 2006, and in accordance with the telephone interview courtesy granted to Applicants' representatives on September 14, 2006. Claims 1 to 8, 17, 18 to 25, 34, 35, 42, and 43 to 49 have been amended for clarification purposes. No new matter has been added by these amendments.

Applicants believe that no fees are due with this Response. However, please charge deposit account number 02-1818 for any fees which are due in connection with this Response.

The Office Action objected to Claim 43 because of informalities. Specifically, the Office Action indicated that two claims in the present application were labeled "Claim 43" (See Office Action, Page 2). Applicants have renumbered the second Claim 43 as "Claim 44" and all subsequent mis-numbered claims have been amended accordingly.

The Office Action rejected Claims 1 to 49 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,019,973 to Wilcox ("Wilcox") in view of U.S. Patent No. 6,227,969 to Yoseloff ("Yoseloff"). Applicants respectfully disagree with these rejections. Nevertheless, Applicants have amended certain of the claims to include the claim language discussed during the interview.

Wilcox discloses a gaming device which includes a card game, wherein a player is dealt an initial hand of cards. After dealing the initial hand of cards, the gaming device enables the player to make an additional wager for an additional card. The additional card is compared to the initial cards, and if the additional card matches any of the cards in the initial hand, those cards in the initial hand matching the additional card are re-defined as jokers. In one embodiment of Wilcox, if the additional card does not match any of the initially dealt cards, the additional card is discarded and, as a result, does not cause any cards to be added to player's hand and does not modify the player's existing hand. (Col. 5, lines 12 to 16). In an alternative embodiment, if the gaming device compares the additional card to the initial cards and determines that the additional card does not match any of the initially dealt cards, the gaming device adds

the additional card to the player's hand and offers a second additional card to the player. When the player chooses not to place the additional wager, the gaming device evaluates the cards in the player's hand, using the jokers to define the best possible hand configuration.

Yoseloff discloses a gaming device which includes an underlying game and a side game. Upon a wager by a player, the gaming device deals a first hand of cards to the player in the underlying game. At any point during the underlying game, the gaming device enables the player to place a side bet to play the side game. Once the player makes the side bet, the gaming device generates a second hand of cards for the side game (i.e., the side game cards). The side bet may be made only once during a play of the underlying game. (Col 8, lines 53 to 57). After the resolution of the underlying game, the gaming device determines whether the player's final hand of cards from the underlying game includes any cards that match the side game cards. The gaming device provides awards to the player based on the degree of correspondence of the cards in the player's hand and the cards in the side game.

The Office Action admits that Wilcox does not disclose that the second hand of cards is dealt face down. The Office Action attempts to remedy the deficiencies of Wilcox with Yoseloff. The Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Wilcox to include dealing the second hand of cards face down as taught by Yoseloff. The motivation for this combination is insufficient and, thus, this combination is improper.

Regardless of whether it would have been obvious to modify Wilcox in the manner proposed by the Office Action, Applicants respectfully submit that the combination of Wilcox and Yoseloff does not teach, disclose, or suggest every element of amended independent Claim 1. In particular, the combination of Wilcox and Yoseloff does not teach, disclose, or suggest enabling the player to end the poker game or purchase one of the second plurality of cards to add to the player's hand for an additional wager, and repeating this step until the player ends the poker game or until there are no remaining cards in the second plurality of cards for the player to purchase,

wherein each time the player purchases one of the second plurality of cards, one of the cards from the second plurality of cards is added to the player's hand without regard to the cards already in the player's hand and such that the quantity of cards in player's hand increases.

As discussed during the interview, when a player purchases a card in Wilcox, the gaming device compares the purchased card to the cards in the player's hand, and any cards in the player's hand that match the purchased card are redefined as jokers (i.e., replaced with jokers). If it is determined that the purchased card does not match any of the cards in the player's existing hand, the gaming device adds the purchased card to the player's hand. Thus, the gaming device in Wilcox adds a purchased card to the player's hand only after evaluating the purchased card and the cards in the player's existing hand and determining that the purchased card does not match any of the cards in the player's hand. For at least this reason, Wilcox does not teach, disclose, or suggest enabling the player to end the poker game or purchase one of the second plurality of cards to add to the player's hand for an additional wager, and repeating this step until the player ends the poker game or until there are no remaining cards in the second plurality of cards for the player to purchase, wherein each time the player purchases one of the second plurality of cards, one of the cards from the second plurality of cards is added to the player's hand without regard to the cards already in the player's hand and such that the quantity of cards in player's hand increases.

Yoseloff does not cure this deficiency in Wilcox. As described above, Yoseloff teaches that, at any point during the underlying game, the player may make a side bet to play a separate side game. The player places the side bet only one time, either before, during, or after resolution of the underlying game. Once the side bet is registered and the side game is triggered, the gaming device provides the player with a predetermined number of side game cards for the side game and compares those side game cards to the cards in the player's hand for an award determination. Therefore, in Yoseloff, the player cannot sequentially purchase additional cards to add his hand, one at a time. In other words, the gaming device of Yoseloff does not enable the player to purchase one of the second plurality of cards to add to the player's hand for an

additional wager and repeat this step until the player ends the poker game or until there are no remaining cards in the second plurality of cards for the player to purchase, wherein each time the player purchases one of the second plurality of cards, one of the cards from the second plurality of cards is added to the player's hand without regard to the cards already in the player's hand and such that the quantity of cards in player's hand increases.

On the other hand, amended independent Claim 1 includes, among other elements, enabling the player to end the poker game or purchase one of the second plurality of cards to add to the player's hand for an additional wager, and repeating this step until the player ends the poker game or until there are no remaining cards in the second plurality of cards for the player to purchase, wherein each time the player purchases one of the second plurality of cards, one of the cards from the second plurality of cards is added to the player's hand without regard to the cards already in the player's hand and such that the quantity of cards in player's hand increases. This is clearly supported by Fig. 5 in the present application, which illustrates that the gaming device adds any purchased additional cards to the player's hand without regard to the cards already in the player's hand (See Fig. 5, Trials 1, 2, and 3).

Accordingly, for at least the reasons discussed above, Applicants respectfully submit that amended independent Claim 1 and the claims depending therefrom are each patentably distinguished over the combination of Wilcox and Yoseloff and in condition for allowance.

Amended independent Claims 18, 35, and 43 each include certain similar elements to amended independent Claim 1. For at least the reasons discussed above with respect to amended independent Claim 1, Applicants respectfully submit that amended independent Claims 18, 35, and 43 and the claims depending therefrom are each patentably distinguished over the combination of Wilcox and Yoseloff.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicants respectfully request that the Examiner contact the undersigned to discuss this Response.

Respectfully submitted,

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